

Eastern District of Kentucky
CLERK'S OFFICE

MAY 13 2009

AS COMMISSIONER
LESLIE G. HARRIS
CLERK OF DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
COVINGTON

CIVIL ACTION NO. 07-170-DLB

UNITED STATES OF AMERICA

PLAINTIFF

V.

PARTIAL ORDER AND FINAL
DECREE OF FORFEITURE

SIX PIECES OF REAL PROPERTY IN
THE STATE OF OHIO OWNED BY THE
ESTATE OF TERRY S. DENNIS AND ANY
APPURTENANCES OR IMPROVEMENTS, ET AL.

DEFENDANTS

* * * * *

On October 23, 2007, a Verified Complaint for Forfeiture In Rem against the Defendant real property was filed on behalf of the Plaintiff, United States of America. The Complaint alleges that the Defendant real property was used or intended to be used, to commit, or to facilitate the commission of a violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and that it constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1956; and is therefore subject to forfeiture to the United States of America pursuant to 21 U.S.C. §§ 881(a)(6) and (7) and 18 U.S.C. § 981(a)(1)(A).

It appearing that process was fully issued in this action and returned according to law;

Pursuant to a Warrant of Arrest In Rem, and Order for Notice for Real Property issued by this Court on October 24, 2007, all persons interested in the defendant properties were required to file their claims with the Clerk of the Court within thirty (30) days of the execution of the warrant, publication of the Notice, or actual notice of this action, whichever occurred first.

A Deputy U.S. Marshal acknowledged service of the Verified Complaint of Forfeiture In Rem, and Warrant of Arrest In Rem, and Order for Notice for Real Property upon the defendant real properties on December 5 and 6, 2007.

On December 6, 2007, Julie Dollenmeyer of Ulmer & Berne, LLP accepted service of process on behalf of the property owners, 1409 Clay Street LLC, 1411 Clay Street LLC, 1724 Queen City Avenue LLC, and 558 Milton Street LLC.

The United States Marshals Service published notice of this action in the Cincinnati Court Index once a week for three consecutive weeks, commencing on December 19, 2007;

On January 25, 2008, the Estate of Terry S. Dennis filed claims to the defendant real property and an answer to the complaint. On April 17, 2008, the complaint was amended to include a 2007 Yukon Denali; on June 16, 2008, the Estate of Terry S. Dennis filed its claim to the Denali and an answer to the amended complaint. Thereafter, discovery requests were served by the United States and responses were served pursuant to the Memorandum Order of December 8, 2008.

On May 11, 2009, a Stipulated Settlement Agreement between the parties was filed herein.

NOW, THEREFORE, on Motion of the Plaintiff, United States of America, for a Order and Final Decree of Forfeiture as to Real Property,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the following real properties are forfeited to the United States of America and no right, title or interest in the property shall exist in any other party:

- a. 1409 Clay Street
Situate in the City of Cincinnati, County of Hamilton, and State of Ohio, and being part of outlet No. 29 on the plan of said city, and bounded as follows:

Beginning at a point on the west line of Clay Street, 91 feet 6 inches north of Allison Street; thence westwardly parallel with Allison Street, 75 feet to a point; thence northwardly, parallel with Clay Street, 22 feet to a point, thence eastwardly, parallel with Allison Street, 75 feet to the west line of Clay Street, thence southwardly with the west line of Clay Street 22 feet to the place of beginning, being known and numbered as 1409 Clay Street.

Subject to all easements, covenants and restrictions of record.

Being the same property conveyed to 1409 Clay Street LLC by deed dated May 16, 2007, of record in Deed Book 10558, Page 1398 of the Hamilton County Recorder's Office.

- b. 1411 Clay Street
Situate in the City of Cincinnati, Hamilton County, Ohio, Beginning on the west side of Clay Street, 113.5 feet north of Allison Street, now Fourteenth Street; thence north on Clay Street 22 feet and extending back the same width parallel to Fourteenth Street, 75 feet and known as number 1411 Clay Street.

Subject to all easements, covenants and restrictions of record.

Being the same property conveyed to 1411 Clay Street LLC by deed dated May 16, 2007, of record in Deed Book 10558, Page 1395 of the Hamilton County Recorder's Office.

- c. 1724 Queen City Avenue
Lying in the City of Cincinnati, County of Hamilton, State of Ohio:

And being known, numbered and designated as Lot Number Six (6) of J.S. Luckey's Homestead, Plat L, fronting 32 feet on the north side of Queen City Avenue, as recorded in Plat Book 6, Page 47, plat records of Hamilton County, Ohio, subject to easements for light, as contained in deed recorded in Deed Book 1059, Page 125, Hamilton County, Ohio records.

Subject to all conditions, restrictions, and easements of record, if any.

Being the same property conveyed to 1724 Queen City Avenue LLC by deed dated February 22, 2007, of record in Deed Book 10484, Page 1154 of the Hamilton County Recorder's Office.

- d. 558 Milton Street
Situating in the City of Cincinnati, Hamilton County, State of Ohio

And being part of Lot Number 59 of P.M. Price Subdivision, same

being recorded in Deed Book 104, page 532 Recorder's Office and being more particularly described as follows:

Beginning at the Southwest corner of said Lot Number 59,

Thence Eastwardly along the South line of said lot and the North line of Milton Street as now improved for a distance of 23.30 feet to a point which lies 25.78 feet West of the Northwest corner of Highland and Milton as now improved,

Thence Northwardly parallel to the West line of said Lot Number 59 for a distance of 63.38 feet,

Thence Westwardly parallel to the South line of said lot and the North line of Milton Street for a distance of 23.30 feet to the West line of said lot;

Thence Southwardly along the West line of said lot a distance of 63.38 feet to the place of beginning.

Be the same more or less, but subject to all legal highways.

Being the same property conveyed to 558 Milton Street LLC by deed dated January 9, 2007, of record in Deed Book 10451, Page 1815 of the Hamilton County Recorder's Office.

2. That the property at 819 Findlay Street, Cincinnati, Ohio, shall be and hereby is dismissed from this action.
3. That the forfeited property shall be disposed of according to law.
4. That the Clerk is hereby directed to send attested copies of this Order to all counsel of record and the United States Marshal.

Dated this 13th day of May, 2009.



Signed By:

David L. Bunning

United States District Judge

Prepared By:

JAMES A. ZERHUSEN